

The opinion in support of the decision being entered today  
is not binding precedent of the Board.

Paper No. 53 <sup>3</sup>

Filed by: Hubert C. Lorin  
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August 20, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

ANDREW S. KATOCs, JR., ELWOOD LARGIS  
AND SOTIRIOS K. KARATHANAS

Junior Party,

v.

RONALD M. EVANS, DAVID J. MANGELSDORF, RICHARD A. HEYMAN,  
MARCUS F. BOEHM, GREGOR EICHELE AND CHRISTINA THALER

Senior Party

Patent Interference No. 103,931

REDECLARATION OF INTERFERENCE

In accordance with the "DECISION ON JOINT SUPPLEMENTAL PRELIMINARY  
MOTION UNDER 37 CFR § 1.633(c)" (Paper No. 52), this interference is redeclared to  
(1) add Katocs' Reissue Application 09/176,003 to the interference, (2) to substitute  
Counts A and B for original Count 1, and (3) to designate Katocs Patent Claim 1 and

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**AUG 20 2002**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Katocs Reissue Claim 1 as corresponding to Count A and to designate Katocs Patent Claim 1 and Evans Application Claim 30 as corresponding to Count B, as follows:

JUNIOR PARTY

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Application:        07/860,814, filed 03/31/92, now U.S. Patent No. 5,219,888, issued  
                          06/15/93, now surrendered

Title:                Use of Retinoids for the Treatment of Coronary Artery Disease

Assignee:           American Cyanamid Company

Attorneys:          Rebecca R. Barrett

Associate:          None

Accorded benefit:   None

Address:            American Home Products Corporation  
                          Patent Department 2B  
                          One Campus Drive  
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Application: Reissue Application 09/176,003, filed October 21, 1998

Title: Use of Retinoids for the Treatment of Coronary Artery Disease

Assignee: American Cyanamid Company

Attorneys: Rebecca R. Barrett

Associate: None

Accorded benefit: 07/860,814, filed 03/31/92, now U.S. Patent No. 5,219,888, issued  
06/15/93, now surrendered

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CHRISTINA THALLER  
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Application: 08/482,737, filed 06/07/95

Title: Method for Modulation of Lipid Metabolism

Assignee: 1) The Salk Institute for Biological Studies  
2) Baylor College of Medicine  
3) Ligand Pharmaceuticals, Inc.

Attorneys: Douglas E. Olson  
Michael J. Wise

Associate: None

Accorded benefit: 08/244,857, filed 06/14/94; PCT US92/11214, filed 12/18/92;  
07/809,980, filed 12/18/91, now abandoned

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COUNT A

A method to modulate lipid metabolism in a subject, said method comprising administering to said subject an effective amount of all trans-retinoic acid, or pharmaceutically acceptable carrier containing same;

or

A method of increasing plasma HDL levels in a mammal which comprises administering all trans-retinoic acid in a pharmacologic amount effective to increase said plasma HDL levels.

The claims of the parties which correspond to the count are:

Katocs et al. (U.S. Patent No. 5,219,888):	Claim 1
Katocs et al. (Reissue Application 09/176,003):	Claim 1
Evans et al. (Application 08/482,737):	None

COUNT B

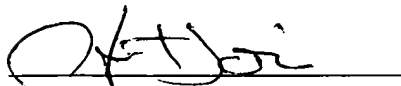
A method to modulate lipid metabolism in a subject, said method comprising administering to said subject an effective amount of 9-cis-retinoic acid, or pharmaceutically acceptable carrier containing same;

or

A method of increasing plasma HDL levels in a mammal which comprises administering 9-cis-retinoic acid in a pharmacologic amount effective to increase said plasma HDL levels.

The claims of the parties which correspond to the count are:

Katocs et al. (U.S. Patent No. 5,219,888):	Claim 1
Katocs et al. (Reissue Application 09/176,003):	None
Evans et al. (Application 08/482,737):	Claim 30



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